

PROB 12C
(793)

Report Date: January 12, 2010

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

JAN 13 2010

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Billy Joe Barnhart

Case Number: 2:01CR00097-001

Address of Offender: 240 E. 10th Ave. #8, Kettle Falls, WA 99141

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 03/08/2002

Original Offense: Possession of a Firearm in Relation to a Drug Trafficking Crime, 18 U.S.C. § 924(c)

Original Sentence: Prison - 60 months; Type of Supervision: Supervised Release
TSR - 60 months

Asst. U.S. Attorney: Timothy J. Ohms Date Supervision Commenced: 01/18/2006

Defense Attorney: Roger Peven Date Supervision Expires: 01/17/2010

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

You shall abstain from the use of illegal controlled substances and shall submit to urinalysis testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Barnhart failed to report for urinalysis testing as directed on December 9 and 14, 2009, and January 4, 2010.

- 2 **Standard Condition # 2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

Supporting Evidence: After Mr. Barnhart's failure to report for urinalysis (UA) testing on January 2, 2010, he was directed to report to the U.S. Probation Office on January 8, 2010. He failed to report as directed on January 8, 2010, and advised he would submit a UA in Colville on that date to make up for his missed UA on January 2. To date, he has yet to

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report as directed or submit a urinalysis test. Furthermore, his monthly supervision report that was due on or before January 5, 2010, has not been received as of this date.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/12/2010

s/Richard Law

Richard Law
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer

Jan 13 2010
Date